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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,961	04/14/2004	Mary Ellen Birli	ERIC . P0347US	5440

7590 06/12/2007
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,961

Applicant(s)

BIRLI ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-13 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 9-12 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is the final Office Action for the serial number 10/823,961, THREADED ROD HANGER, filed on 4/14/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 13 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 4,214,667 to Lass in view of US Patent # 3,341,909 to Havener.

Lass teaches a hanger comprising a body (20), threaded rod receiving portion (61) accommodating a vertically extending threaded rod (S) therethrough, and insert clip (32) in the rod receiving portion gripping the threaded rod. The threaded rod receiving portion comprises a housing (14) with slots (66) in opposite side walls (figure 6, 6'2) generally parallel to the rod to receive the insert clip. The insert clip is being u-shaped and having parallel spring legs. Each legs having a linear series of grooves (42, 44) forming a threaded form profile and angled projections (52). The threaded form profile is being offset from each other by one half the pitch of the threads of the rod.

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Lass teaches the housing but fails to teach the housing comprises a sheet metal housing. Havener teaches the sheet metal housing (col. 1, lines 65-66). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Lass's housing with sheet metal as taught by Havener to increase strength for housing to support heavy duty outlet on the wall.

Lass teaches the housing includes aligned notches (24) but fails to teach the housing includes clamp screw. Havener teaches the clamp screw (36). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the clamp screw to Lass's housing as taught by Havener to provide alternative method for mounting the housing on an object.

Allowable Subject Matter

Claims 9-12 and 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach wherein the sheet metal housing includes an extension terminating in an edge clip.

Response to Arguments

Applicant's arguments filed 3/27/07 have been fully considered but they are not persuasive:

The applicant argues "Lass patent does not disclose a threaded rod hanger or any semblance of such hanger." The examiner disagrees with the applicant because Lass shows the

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threaded rod (S) and the rod has the ability to perform as a hanger by hanging an electric outlet cover on the wall.

In the argument, the applicant stated, “what the Examiner proposes to do to Lass or Havener in view of the other would make both inoperative for their intended purposes.” The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner uses Havener’s sheet metal to modify Lass’s housing material to improve strength therein and clamp screw from Havener’s to add to Lass’s housing to provide alternative method for mounting the housing on an object. Modifying Lass’s material and adding additional element to Lass’s reference from Havener’s reference will not ruin Lass’s invention or cause Lass to be inoperative.

The applicant argues “Lass doesn’t have parallel slots in opposite side walls, with a single clip spanning the walls. Lass has two clips, one for each end wall.” The examiner disagrees with the applicant because Lass’s slots (66) are parallel to each other in opposite side walls. Lass shows wall (12) being divided into two separated walls and there are four slots, two on one side wall and the other two on the other side of wall. The four slots are parallel to each other. Lass’s clip comprising two legs, which are designed to mount in four slots. Therefore, Lass teaches parallel slots in opposite side walls and single clip spanning the walls.

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The applicant argues “Nor is Lass’ ratchet tab even remotely similar to applicant’s claimed offset thread forms.” The examiner disagrees with the applicant because Lass shows (42, 44) forming threaded form profile for securing the threaded rod. The threaded form profile is designed to allow the threaded rod to thread in any direction.

The applicant argues “Nor are they any angled projections to guide the tips of the clip”. The examiner disagrees with the applicant because Lass clearly shows angled projections (52) for guiding in the slots of wall to secure the clip on the wall.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Primary Examiner
Art Unit 3632

6/4/07


A. JOSEPH WUJCIAK III
PRIMARY EXAMINER
TECHNOLOGY CENTER